

**UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF MISSOURI**

**IN RE:** )  
 )  
**VICTORIA ALLEN** ) **CASE NO. 15-40055**  
 )  
**Debtor.** )

**MOTION TO APPROVE PERMANENT HOME MORTGAGE MODIFICATION  
AND SHORTEN NOTICE**

**COMES NOW** debtor Victoria Allen, by and through her attorney, and for her Motion states as follows:

1. Debtors filed her Chapter 13 petition on 01/09/2015.
2. Debtors has a mortgage with American Loan Services, LLC. This is a second mortgage.
3. Debtor and American Loan Services, LLC have entered into a permanent mortgage modification.
4. Per the terms of the permanent mortgage modification, the modification begins with the June 15, 2015, payment. The modification requires a lump sum payment of \$1,672.95 and a new mortgage payment of \$186.24 each month, including escrow, with an interest rate of 7.5%.
5. The principal balance on the loan is \$20,090.40.
6. The loan maturity date is June 15, 2030.
7. Debtor requests this court approve the permanent mortgage modification and authorize the changes set forth below:
8. The claim in favor of American Loan Services, LLC shall be paid in the following manner (check one):
  - ☒ Debtor further requests permission to make their on-going mortgage payments to American Loan Services, LLC directly beginning with the first modification payment in June 15, 2015.
  - ☐ Debtor(s) further request(s) the mortgage payment to be paid through the plan be changed to \$\_\_\_\_\_ due to the permanent loan modification. This mortgage payment is effective with the \_\_\_\_\_, 201\_, mortgage payment. The trustee will set up the first monthly modified on-going mortgage payment as a Post-Petition Loan Modification

Amount (PLMA) be paid pro-rata over the life of the case with a 5% increase, on that payment only, to account for any late fees.

9. Debtor further requests this court order the trustee to stop all disbursement on the on-going mortgage claim if the debtor now is paying it directly. Further, the trustee shall stop all disbursement on any pre-petition mortgage arrearage claim, any post-petition mortgage arrearages, and the initial post-petition amount (IPA) claim.
10. Debtors further requests the plan payment remain \$501.00. The Debtor will not be filing a motion to avoid the junior lien.
11. The trustee will reset the mortgage claim records upon entry of an order granting this motion based on the changes set forth above.
12. Debtor requests this Honorable Court schedule the matter on the next available docket, or in the alternative, grant Debtor's request without a hearing after the expiration of the notice period.

WHEREFORE, debtor requests this Honorable Court enter an Order approving the permanent mortgage modification with American Loan Services, LLC and allowing debtor to pay the mortgage directly beginning with the June 15, 2015 payment. Further, debtor requests an Order directing the trustee to stop all disbursements on any pre-petition mortgage arrearage claim, any post-petition mortgage arrearages, the initial post-petition amount (IPA) claim, and the on-going mortgage claim if the debtor now is paying it directly. The plan payment shall remain \$501.00. Debtor requests the trustee to reset the mortgage claim records based on the changes set forth above.

Date: May 19, 2015

/s/Douglas B. Breyfogle  
Douglas B. Breyfogle-MO 45324  
Krigel & Krigel, P.C.  
4550 Belleview Avenue  
Kansas City, Missouri 64111  
816-756-5800  
816-756-1999 (fax)  
dbreyfogle@krigelandkrigel.com  
ATTORNEY FOR DEBTOR

#### **NOTICE OF MOTION**

Any party with an objection is directed to file a Response to the motion within seven (7) days of the date of this notice with the Clerk of the United States Bankruptcy Court. Documents can be filed electronically at <http://ecf.mowb.uscourts.gov>. Information about electronic filing can be found on the Court website at [www.mow.uscourts.gov](http://www.mow.uscourts.gov). Parties not represented by an attorney may mail a response to the Court at the address below. If a response is timely filed, a Notice of Hearing will be provided to all

interested parties by the Court. If no response is filed within seven (7) days, the Court will enter an order granting the motion.

**CERTIFICATE OF SERVICE**

I, Douglas B. Breyfogle, hereby certify that a true and correct copy of the Motion was served, in addition to the parties notified by the US Bankruptcy Court's electronic notification, upon the affected creditors and other parties in interest via US First Class Mail, postage prepaid, this 19th day of May, 2015.

American Loan Services, LLC

Carrie D. Mermis

[cdm@mllfpc.com](mailto:cdm@mllfpc.com)

American Loan Services, LLC

Jessica Palter

[jessica.palter@americanloanservices.org](mailto:jessica.palter@americanloanservices.org)

/s/Douglas B. Breyfogle  
Douglas B. Breyfogle-MO 45324

Court Address: United States Bankruptcy Court, 400 E.9th St., Room 1510, Kansas City, MO 64106

Instructions: Complete all required information and serve on all affected creditors.

ECF Event: Bankruptcy>Motions/Applications/Requests>Home Mortgage  
Modification>Permanent